IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 30408 of 2006(T)

DRC.580/1997 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

P. SATHEESH KUMAR,S/O.PADMANABHAN PILLAI
AGED 36 YEARS, `SHARDA', MELARAM ROAD, KARAMANA,
TRIVANDRUM-2.

BY ADV. SRI.V.B.HARI NARAYANAN
SMT.M.J.RAJASREE

RESPONDENTS:

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1. THE SUB REGISTRAR,
CHALAI SUB DISTRICT, THIRUVANANTHAPURAM DISTRICT.

2. THE RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

Ext.P1: A true copy of the sale certificate issued by the 2nd respondent

Ext.P2: A true copy of the covering letter dated 13-11-2006 issued by the 2nd respondent

Ext.P3: A true copy of the judgment in Writ Appeal No. 1086/2006

Ext.P4: A true copy of the judgment in W.P.(C) No.11033/2006dated 3-10-2006

//True copy//

K.BALAKRISHNAN NAIR,J.

WP(C)NO.30408 OF 2006-T

Judgment

The petitioner has purchased a property in public auction held by the Recovery Officer, Debts Recovery Tribunal, Ernakulam. Ext.P1 sale certificate has been issued to him, evidencing the purchase of the property. This Writ Petition is filed by him, seeking the following reliefs :

> *"a) To issue a writ of mandamus or any other appropriate order or direction, directing the 1st respondent to file Ext.P1 sale certificate in Book No.1 as provided under 89(4) of the Indian Registration Act read with Rule 21 of the Income Tax (Certificate Proceedings) Rule 1962.*
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> *b) To declare that the auction purchaser in a public auction conducted under the provisions of the 2nd and 3rd schedule of the Income Tax Act 1961 is not liable to pay stamp duty for filing the sale certificate in Book No.1.*
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> *c) To declare that the inaction on the part of the 1st respondent in refusing to file Ext.P1 sale certificate in Book No.1 is highly illegal, arbitrary and against the provisions contained under Section 89 (4) of the Indian Registration Act read with Rule 21 of the Income Tax (Certificate proceedings) Rules, 1962."*

2. The claim of the petitioner is covered by Exts.P3 and P4 Judgments of this Court. The 1st respondent has filed a counter affidavit, resisting the prayers in the Writ Petition. But, I am bound by the above said Judgments. Accordingly, the 1st respondent is directed to file Ext.P1 sale certificate in Book No.1 as provided in Section 89(4) of the Indian Registration Act read with Rule 21 of the Income Tax (Certificate Proceedings) Rules, 1962 without delay.

The Writ Petition is disposed of as above.

12.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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